

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SAVIENT PHARMACEUTICALS, INC.,)
Plaintiff,) Civil Action No.
) 06-cv-5782 (PGS)
v.)
UPSHER-SMITH LABORATORIES,) STIPULATION WITHDRAWING
INC.,) CLAIMS AND
Defendant.) COUNTERCLAIMS AND
) SEEKING DISMISSAL OF THE
) ACTION WITH PREJUDICE
) (Fed. R. Civ. P. 41)

Plaintiff Savient Pharmaceuticals, Inc. ("Savient") and Defendant Upsher-Smith Laboratories, Inc. ("Upsher-Smith") stipulate that the claims alleged against Upsher-Smith in the Complaint and the counterclaims and defenses alleged against Savient in Upsher-Smith's Answer and Counterclaim to the Complaint and Upsher-Smith's amended Answer and Counterclaim to the Complaint are withdrawn with prejudice pursuant to Rules 41(a) and 41(c) of the Federal Rules of Civil Procedure. Savient and Upsher-Smith jointly request the dismissal of the action and all of its claims and counterclaims with prejudice.

August 4
Dated: July, 2008

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August 5
Dated: July, 2008

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& OLSTEIN, P.C.
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SO ORDERED: Peter W. Schuch
DATED: 8/12/08